

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES and STATE OF IOWA ex rel. SUSAN THAYER,)	Case No. 4:11-cv-00129-JAJ-CFB
)	
)	Chief Judge Jarvey
Plaintiffs,)	
)	MOTION TO FILE UNDER SEAL
v.)	PLAINTIFF'S MOTION TO
)	COMPEL, PLAINTIFF'S BRIEF IN
PLANNED PARENTHOOD OF THE)	SUPPORT OF MOTION TO COMPEL
HEARTLAND, INC.)	AND SUPPORTING EXHIBITS
)	
Defendant.)	
)	

COMES NOW, the Plaintiff, Susan Thayer, and in support of her Motion to File Under Seal Plaintiff's Motion To Compel and other supporting documents pursuant to Local Rule 5(c), states the following:

1. During the Status Conference held by the Court on 12/13/16, the parties discussed with the Court some of the outstanding discovery issues. The Court directed the Plaintiff to file any necessary Motion To Compel on or before 1/10/17. The Court set a response date of 1/20/17 for the Defendant.

2. All of the issues involved in Plaintiff's Motion to Compel and accompanying Brief include numerous and necessary references to documents that have been marked by Defendant Planned Parenthood (hereinafter "PPH") as "Confidential – Subject to Protective Order." With respect to the mentioning or filing of such confidential information with the Court, the Protective Order provides:

7. Filing of Confidential Information. In the event a party seeks to file any document containing Confidential Information subject to protection under this Order with the court, that party must take appropriate action to insure that the document receives proper protection from public disclosure including: (a) filing a redacted document with the consent of the party who designated the document as confidential; (b) where appropriate (e.g., in

relation to discovery and evidentiary motions), submitting the document solely for in camera review; or (c) when the preceding measures are inadequate, seeking permission to file the document under seal by filing a motion for leave to file under seal in accordance with Rule 5.c. of the Local Rules of the United States District for the Southern District of Iowa.

Nothing in this Order will be construed as a prior directive to allow any document to be filed under seal. The parties understand that the requested documents may be filed under seal only with the permission of the court after proper motion. If the motion is granted and the requesting party permitted to file the requested documents under seal, only counsel of record will have access to the sealed documents.

(Dkt. 100, pp. 6-7).

3. Plaintiff's Motion to Compel, Brief and Exhibits contain so many references and excerpts from the protected documents that it would be very difficult to redact all the protected information. To do so would virtually make the Motion and Brief unintelligible for the Court.

4. Thus, Plaintiff requests permission from the Court to file the following documents under seal:

- a. Plaintiff's Motion To Compel;
- b. Plaintiff's Brief in Support of Motion To Compel; and
- c. Exhibits 1-11, attached to Plaintiff's Brief in Support of Motion To Compel

WHEREFORE, for the reasons set out above, Plaintiff requests an Order allowing her to file Plaintiff's Motion To Compel, Plaintiff's Brief in Support of Motion To Compel and Exhibits 1-11 under seal.

ATTORNEYS FOR PLAINTIFF-RELATOR
SUSAN THAYER:


J. Russell Hixson, Esq.
HIXSON & BROWN LAW FIRM
160 S. 68th Street, Suite 1108
West Des Moines, Iowa 50266
rhixson@hixsonbrown.com

Tel: (515) 222-2620
Fax: (515)440-6395

Kevin Theriot, *pro hac vice*
ktheriot@ADFlegal.org
Steven H. Aden, *pro hac vice*
saden@ADFlegal.org
ALLIANCE DEFENDING FREEDOM
440 1st St., N.W., Suite 600
Washington, DC 20001
TEL: (202) 393 8690